

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DEVICES AND METHODS FOR RETAINING A GASTRO-ESOPHAGEAL IMPLANT

the specification of which (check one) is attached hereto or was filed on October 8, 2004 as Application No. PCT/US2004/033007 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		<u>Priority Claimed</u>
		<u>Yes</u> <u>No</u>
PCT/US2004/033007	PCT	<input type="checkbox"/> <input checked="" type="checkbox"/>
Number	Country	Day/Month/Year Filed
Number	Country	Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. § 119(3) of any United States provisional application(s) listed below:

60/510,268	October 10, 2003
Application Number	Filing Date
Application Number	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

10/843,702	May 11, 2004	Pending
Application Number	Filing Date	Status: Patented, Pending, Abandoned

10/898,036	July 23, 2004	Pending
Application Number	Filing Date	Status: Patented, Pending, Abandoned

Application Number	Filing Date	Status: Patented, Pending, Abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number below as attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

CUSTOMER NO.: 28584

The inventor(s) hereby authorize and request Stallman & Pollock LLP, 353 Sacramento Street, Suite 2200, San Francisco, California 94111, to insert herein above the application number and filing date of said application when known.

Full name of sole or first inventor Richard S. Stack

Inventor's signature _____ Date _____

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Full name of seventh joint inventor, if any, Richard A. Glenn

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Full name of eighth joint inventor, if any, Richard Kouri

Inventor's signature _____ Date _____

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